

Remarks

This Election is responsive to the Office Action of **March 7, 2005**. Reexamination and reconsideration of **claims 19-35** is respectfully requested.

Summary of The Office Action

The Office Action required Restriction to one of the following inventions:

- I. Claims 19-26, 28-31, and 33-35, drawn to a method of fabricating a fluid ejection device.
- II. Claims 27, 32, and 35, drawn to a fluid ejection device.

The Office Action further indicated that if Group I was elected, a further restriction to one of the following inventions was required:

- I-A. Claims 19-26 and 28-30, drawn to a method forming a break trench and forming a plurality of small break trenches.
- I-B. Claims 33-34, drawn to sawing the wafer to separate individual fluid ejection devices.

Election

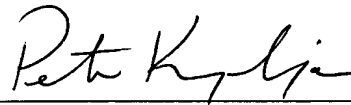
Applicant elects Group I-A, claims 19-26 and 28-30, with traverse. Applicant does not believe that Group II claims 27, 32, and 35 are distinct as stated in the Office Action on page 2.

In particular, claims 27, 32, and 35 specifically recite a fluid ejection device produced by the method of claim 19, 28, and 33, respectively. Therefore, the fluid ejection device is limited to be produced by the recited method. As a result, it cannot be true that (1) the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process. MPEP 806.05(f). The claims state that the product is made by the recited method.

Thus, the Office Action is incorrect to conclude that the product of Group II can be made by a materially different process. That contradicts the language of the claims. For these reasons, Applicant respectfully requests that the restriction requirement be withdrawn.

Respectfully submitted,

1-APRIL-2005

A handwritten signature in cursive script, appearing to read "Petar Kraguljac", written over a horizontal line.

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